

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 09 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: EDWARD VINCENT RAY, Jr.

EDWARD VINCENT RAY, Jr.,

Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

MATTHEW CATE,

Real Party in Interest.

No. 11-73427

D.C. No. 3:10-cv-01582-SI
Northern District of California,
San Francisco

ORDER

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

On December 6, 2011, the district court ruled on petitioner's pending motions relating to his 28 U.S.C. § 2254 habeas corpus petition. To the extent that petitioner requests that this court compel the district court to rule on petitioner's pending motions, that request for relief is moot. To the extent petitioner requests that this court compel the district court to order the real party in interest, Matthew

Cate, to answer his habeas corpus petition, petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. United States Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

The motion to proceed in forma pauperis is denied as moot.

DENIED.